

**EXEMPTION FROM APPLICATION OF SERVICE CONTRACT ACT PROVISIONS
(JAN 2007)**

(a) By entering into this subcontract, the Seller certifies that —

(1) The items of equipment to be serviced under this subcontract are commercial items which are used regularly for other than Government purposes, and are sold or traded by the Seller in substantial quantities to the general public in the course of normal business operations;

(2) The subcontract services are furnished at prices which are, or are based on, established catalog or market prices for the maintenance, calibration, and/or repair of certain information technology, scientific and medical and/or office and business equipment. An “established catalog price” is a price (including discount price) recorded in a catalog, price list, schedule, or other verifiable and established record that is regularly maintained by the manufacturer or the Seller and is either published or otherwise available for inspection by customers. An “established market price” is a current price, established in the course of ordinary and usual trade between buyers and sellers free to bargain, which can be substantiated by data from sources independent of the manufacturer or Seller; and

(3) The Seller utilizes the same compensation (wage and fringe benefits) plan for all service employees performing work under the subcontract as the Seller uses for equivalent employees servicing the same equipment of commercial customers.

(c) Objection to this clause may render the offer non-responsive.